

1 UNITED STATES DISTRICT COURT  
2 EASTERN DISTRICT OF WASHINGTON  
3

4 UNITED STATES OF  
5 AMERICA,

6 Plaintiff,

7  
8 vs.

9 DANIEL C VILLALOBOS,

10 Defendant.  
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No. 2:13-CR-00124-TOR-4

ORDER REGARDING  
DISCOVERY AND  
PRETRIAL MOTIONS

14 **OPEN FILE DISCOVERY**

15 In voluntary discovery cases, the United States, within seven (7)  
16 business days of the date of arraignment, shall deliver to the  
17 Defendant all investigative material in its file, required by the Federal  
18 Rules of Criminal Procedure, specifically including, but not limited  
19 to, police and incident reports and Defendant's criminal record. The  
20 United States shall continue to furnish discovery as received and  
21 complete the process within **fourteen (14) days** of the date of this  
22 Order, or within **fourteen (14) days** from receipt by Plaintiff of the  
23 discovered material, if later received. These directives assume a  
24 defense request for discovery pursuant to Fed. R. Crim. P. 16, and  
25 impose a reciprocal duty to provide discovery. If a Defendant does not  
26 wish to invoke the rule, the Defendant shall file a notice, prior to  
27 accepting discovery from the government.  
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1                                   **NOTICE OF NON-DISCOVERY**

2           If the United States, for any reason, is not going to voluntarily  
3 provide all investigative material, it will serve and file a notice to that  
4 effect within seven (7) days of this Order. If discovery received after  
5 the date of this Order is not going to be voluntarily furnished, a notice  
6 to that effect shall be filed and served within seven (7) days of the  
7 United States' receipt of such material. Absent the filing of such  
8 notice, all discovery shall be promptly furnished consistent with the  
9 provisions of this Order.

10                               **DEFENSE MOTIONS**

11          If the United States serves and files the seven-day notice of  
12 non-disclosure, Defendant shall file discovery motions within  
13 fourteen (14) days thereafter. Except as earlier provided, and to  
14 prevent manifest injustice, Defendant shall have thirty (30) days from  
15 arraignment to file other motions.

16                               **SCHEDULING MOTIONS**

17          Responses to motions shall be filed and served no later than seven  
18 (7) days, excluding weekends and holidays, from receipt of motions.  
19 Replies, if any, shall be filed within seven (7) days, excluding  
20 weekends and holidays, of receipt of responses. Motions shall be  
21 noted for hearing with or without oral argument, pursuant to local  
22 rules. Unless shortened by the court, upon motion and good cause  
23 shown, oral argument should be noted for the time of the pretrial  
24 conference, provided this schedule permits all briefing to occur within  
25 the time frame set forth in LR 7, Local Rules for the Eastern District  
26 of Washington.

27                               **NOTICE OF CONFLICT OF INTEREST**

28          The representation by one lawyer, or by different members of one

1 law firm, of two or more Defendants charged under the same  
2 instrument or charged with factually related offenses will be permitted  
3 only on a showing that no conflict does, or will likely exist, or on a  
4 knowing waiver, executed in open court before a federal district  
5 judge.

6 Counsel who plan to represent two or more Defendants charged  
7 under the same instrument, or charged with factually related offenses,  
8 shall immediately file a motion to secure prior approval of such  
9 representation by the federal district judge to whom this case is  
10 assigned.

11 In addition, counsel shall promptly investigate whether other  
12 conflicts exist that may prevent representation, and bring any potential  
13 conflicts to the attention of the court as soon as possible.

14 **IT IS SO ORDERED.**

15 DATED March 17, 2014.

16 S/ JOHN T. RODGERS  
17 UNITED STATES MAGISTRATE JUDGE  
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